

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-CR-00311-MOC-DCK**

UNITED STATES OF AMERICA,

vs.

ROGER ROGER, et al.,

Defendants.

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ORDER

THIS MATTER comes before the Court on Defendant Roger’s motion to continue trial, quash deposition, and transfer to another correctional facility. (Doc. No. 510). The Government does not oppose a continuance, takes no position on the transfer request, and opposes the motion to quash. (Doc. No. 512). Defendant Nigh takes no position on Defendant Roger’s motions to continue and quash but does request his own transfer. (Doc. No. 513).

The Court will grant Defendants’ unopposed motions to transfer. The Court will, however, deny Defendant Roger’s motion to quash deposition.

Even if Defendant Roger would be prejudiced by his travel to these depositions, any prejudice is alleviated by the possibility of remote attendance. (Doc. No. 499 at 6–8). The deposition testimony in question is material and critical to the Government’s case. (Id. at 6). The relevant witness’ health present exceptional circumstances supporting the use of depositions to secure their testimony. (Id. at 7). These depositions remain necessary and proper according to Rule 15. FED. R. CRIM. P. 15(b).

ORDER

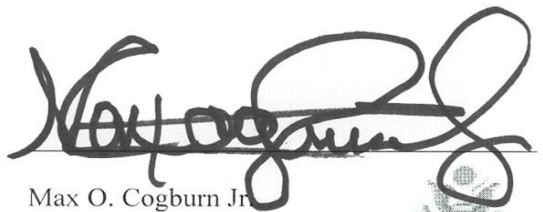
IT HEREBY ORDERED that Defendants' motions (Doc. Nos. 510, 513) are **GRANTED in part and DENIED in part.**

Defendants' motions that this Court request the U.S. Marshal transfer Defendants to the Gaston County Jail is likewise **GRANTED**. The Bureau of Prisons and United States Marshals Service are hereby **ORDERED** to transport the bodies of Defendants Roger Roger and David Michael Nigh to the Gaston County Jail or another facility as close to Charlotte as possible. The Clerk is **respectfully directed** to certify copies of this Order to the United States Attorney, Defendant's Counsel, and the United States Marshal Service.

Defendant Roger's motion to quash deposition is **DENIED**.

So ordered.

Signed: April 26, 2024



Max O. Cogburn Jr.
United States District Judge